

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STATON TECHIYA, LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Civil Action No. 2:23-cv-00319

JURY TRIAL DEMANDED

**JOINT MOTION FOR LEAVE TO SUPPLEMENT INFRINGEMENT AND
INVALIDITY CONTENTIONS AND EXTENSION OF TIME
TO SERVE CONTENTIONS**

Plaintiff Staton Techiya, LLC (“Techiya”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”) jointly move the Court to grant the parties additional time for Techiya to serve its supplemental P.R. 3-1 Infringement Contentions and for Samsung to serve its supplemental P.R. 3-3 Invalidity Contentions. Dkt. 33 at 3(a)(ii), as well as leave for Samsung to also include in its contentions additional derivation and inventorship invalidity theories consistent with its amended pleadings filed on September 19, 2024.

In support of their Motion, Techiya and Samsung state as follows:

1. On August 6, 2024, the Court granted Techiya leave to amend its P.R. 3-1 disclosures to serve supplemental claim charts for the newly accused Buds FE, Buds3, and Buds3 Pro Accused Products, and for Samsung to serve supplemental invalidity contentions (pursuant to Section 3(a)(ii) of the Discovery Order), but not limited to “only those claim elements identified as software limitations.” *See* Dkt. 75.

2. On August 13, 2024, Techiya served its amended P.R. 3-1 disclosures on Samsung.

3. On September 6, 2024, Samsung informed Techiya that source code for the Buds FE, Buds3, and Buds3 Pro Accused Products is available for inspection.

4. Techiya has not yet completed its review of Samsung's produced source code.

5. On September 19, 2024, Samsung filed its First Amended Answer and Counterclaims in accordance with the Docket Control Order.

6. On September 24, 2024, Samsung informed Techiya that it intended to seek leave from the Court to update its invalidity contentions to address additional derivation and inventorship invalidity theories consistent with the amended pleadings filed on September 19.

7. On September 27, 2024, Techiya requested an extension to its deadline to supplement its infringement contentions in accordance with the Discovery Order to allow for more time to review Samsung's source code.

8. To avoid burdening the Court with unnecessary disputes, and without waiving its right to challenge the sufficiency of any forthcoming contentions, Samsung has agreed that it will not oppose Techiya's request for an extension of two weeks for Techiya to comply with P.R. 3-1. Consistent with the schedule set forth in Dkt. 75, the parties have also agreed that the deadline for Samsung to serve its invalidity contentions supplement that is not limited to "only those claim elements identified as software limitations" should also be extended by two weeks. Further, Techiya has agreed that Samsung's contentions can also be updated to address derivation and inventorship theories consistent with the amended pleadings filed on September 19.

9. The parties agree that the schedule set forth below will not impact any upcoming deadlines set forth in the Docket Control Order.

WHEREFORE, Techiya and Samsung respectfully request that the Court grant leave for the parties to amend their P.R. 3-1 and 3-3 disclosures in accordance with the following timeline:

<u>Deadline</u>	<u>Date</u>
Court grants leave to the present Motion.	n/a
Techiya to serve supplemental infringement claim charts for Buds FE, 3, and 3 Pro products (pursuant to the Discovery Order, Dkt. 33 at 3(a)(i)).	October 21, 2024
Samsung to serve supplemental invalidity contentions not limited to “only those claim elements identified as software limitations” and including additional derivation and inventorship theories	November 20, 2024

Dated: October 7, 2024

Respectfully submitted,

/s/ Thomas J. Friel, Jr.

Thomas J. Friel, Jr.

/s/ Peter J. Evangelatos

Peter J. Evangelatos

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*Attorneys for Defendants Samsung
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Co. America, Inc.*

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served or delivered electronically via the U.S. District Court ECF filing system to all counsel of record on this 7th day of October, 2024.

/s/ Thomas J. Friel, Jr.

Thomas J. Friel, Jr.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel for Techiya met and conferred with counsel for Samsung. Counsel for Samsung indicated that they are in support of this motion.

/s/ Thomas J. Friel, Jr.

Thomas J. Friel, Jr.